

Practitioner's Docket No. 100745.0015PCT

CHAPTER II

**IN THE UNITED STATES INTERNATIONAL PRELIMINARY EXAMINATION
AUTHORITY
(IPEA/US)**

PCT/US02/10117

International Application No.

01 April 2002 (1.04.02)

International Filing Date

Priority Claimed

Branched Spike Bird Deterrent

Title of Invention

Bird-B-Gone, Inc.

Applicant(s)

Mail Stop PCT – Legal Office
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REQUEST FOR REFUND OF SEARCH FEE

The National Stage filing fee in the amount of \$365.00 was submitted for payment by Deposit Account No. 502191 on September 22, 2004. The International Preliminary Examination Report was issued on March 25, 2005, with all claims allowed. Had the International Preliminary Examination Report been issued prior to the October 1, 2004 deadline for filing national phase, the filing fee would have been \$50.00 (small entity) rather than \$365.00 paid, pursuant to 37 CFR §1.492(a)(4).

It is requested that the search fee overpayment in the amount of \$315.00 be refunded to applicant. Please make refund by crediting Deposit Account No. 502191.

It is also requested that the US national stage application number 10/508804 be taken up out of order pursuant to 37 CFR §1.496.

Date: 3/30/05

Reg. No.: 33880
 Tel. No.: 714-641-5100
 Customer No.: 34284

Signature of Practitioner

Robert D. Fish
 Rutan & Tucker
 611 Anton Blvd., 14th Floor
 Costa Mesa, CA 92626
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the PCT Legal Office at (571) 273-0459 on the date shown below.

Date: 3/30/05

Barbara Hayashi

RUTAN & TUCKER LLP

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NAME	FAX NO.	PHONE NO.
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FROM: Barbara M. Hayashi

RE:

OUR REF: 100745.0015US	NUMBER OF PAGES, INCLUDING COVER: 2
10/508804	
BRANCHED SPIKE BIRD DETERRENT	
BIRD-B-GONE - BRUCE DONOHO	

MESSAGE:

Attached: Request for Refund of Search Fee.

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